

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:95CR23**

UNITED STATES OF AMERICA,

Vs.

RAYMOND WATKINS,

Defendant.

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ORDER

THIS CAUSE coming on to be heard and being heard before the undersigned, Dennis L. Howell, United States Magistrate Judge for the Western District of North Carolina, on May 9, 2005 for the purpose of hearing two matters regarding the charges against the defendant, that being:

1. A Motion to Restrict Defendant's Telephone Access filed by the United States Attorney on April 18, 2005; and

2. For an initial appearance of the defendant, pursuant to Rule 32.1 of the Federal Rules of Criminal Procedure, regarding a violation entitled "Violation No. 5" filed on April 27, 2005.

And it appearing to the court at the call of this matter on for hearing that the defendant was represented by appointed counsel, Edward Hensley. Mr. Hensley advised the court that the defendant had, on the call of this matter, told Mr. Hensley that the defendant had privately retained Attorney Albert Neal of Waynesville, North Carolina. The court directed that the clerk contact Mr. Neal to confirm that Mr. Neal had been retained by the defendant and also so that Mr. Neal could make a general appearance for all purposes in this matter. The clerk reported to the undersigned that upon contact with Mr. Neal that Mr. Neal advised that he had yet been retained by the defendant and that the first opportunity that Mr. Neal would have to discuss the matters pending against the

defendant with the defendant was going to be on Wednesday, May 11, 2005. The undersigned then determined to conduct an initial appearance regarding allegation No. 5 concerning the defendant's alleged violation of terms and conditions of supervised release, pursuant to Rule 32.1 of the Federal Rules of Criminal Procedure and then ordered that further proceedings in this matter, that being the hearing of the Government's motion as referenced above and a preliminary hearing regarding Violation No. 5, pursuant to Rule 32.1(b) be held on May 13, 2005.

BASED UPON THE FOREGOING, it is **ORDERED**:

1. That a hearing of the Government's motion to restrict the defendant's telephone access is hereby continued until May 13, 2005.
2. That a preliminary hearing regarding Violation No. 5 filed on April 27, 2005 and, pursuant to Rule 32.1(b) of the Federal Rules of Criminal Procedure, shall be held on May 13, 2005.
3. That attorney Albert Neal of the Waynesville, North Carolina Bar shall advise the court by May 12, 2005 as to whether or not he is making a general appearance for the defendant. If Mr. Neal is making a general appearance for the defendant, then Mr. Neal is ordered and directed to appear on May 13, 2005 for the purpose of representing the defendant in the hearings set forth above.
4. That it is ordered that attorney Edward Hensley appear on May 13, 2005 to either represent the defendant in regard to the hearings referenced in this matter if Mr. Neal is not making a general appearance for the defendant. Or, if Mr. Neal is making a general appearance on the behalf of the defendant, to present a motion for permission to withdraw as counsel for the defendant in this case.

It is further **ORDERED** that the defendant have no contact whatsoever with his wife or adult

daughter, either by telephone or in writing, or by any other means of communication and further, that the defendant not have any other person, at his behest, contact his wife or adult daughter in any way, form or fashion pending further hearings in this matter. A commission of any act in violation of this direction to the defendant will be considered as contempt of this court and further proceedings as are necessary.

Signed: May 10, 2005

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

